IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Contempt Petition No. 109 of 2004

Satyabahar
S/o Shri Tirath Singh
R/o Vill. & Post- Libbar Heri
Tehsil- Roorkee, Distt. Haridwar ..... Petitioners

Versus

Sri Narendra Singh Rana,
Zila Shiksha ADhikari,
Haridwar ..... Respondent

Mr. A.K. Sharma, learned counsel for the petitioner.
Mr. Seems Sirohi, learned Brief Holder for the respondent.

Hon'ble Prafulla C. Pant, J.

This civil contempt petition has been moved, under Section 12 of the Contempt of Courts Act, 1971 complaining the disobedience of the judgment and order dated 31st December, 2003 passed in writ petition No. 3126 (S/S) of 2001.

2) At the time of admission of this petition, no one turned up on behalf of the petitioner. Learned Brief Holder represented the opposite party.

3) Heard.

4) The direction given in the impugned order was to consider the case of the petitioner for payment of salary. The operative portion for the order complained, reads as under:

> *"The respondents are directed to consider the case of the petitioner for the payment of the salary within a period of six weeks after obtaining the certified copy of the order."*

5) In response to the notice issued by this Court, counter affidavit has been filed on behalf of the opposite party in which it has been stated that the matter of appointment of the petitioner and also that of the payment of salary was considered. Since it was found that the appointment of the petitioner was illegal being in violation of Government Order dated 9th June, 1995, no order could be passed in favour of the petitioner for payment of salary and the same was accordingly refused.

6) In the circumstances, as the respondent has considered the case of the petitioner, it cannot be said, if he has committed wilful disobedience of the Court's order. Therefore, the contempt petition is dismissed. Notices are discharged.

(Prafulla C. Pant, J.)

Dt. 5th November, 2004
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